

REMARKS

The Notice of Non-Compliant Amendment (“the Notice”) pointed out that claim 14, as it is clearly amended, should have been labeled as “Currently Amended.” Applicants hereby correct this informality in claim 14 and hereby resubmit the amendments to the claims section in its entirety as prescribed by the Notice, as copy of which is attached. Accordingly, the amendment is believed to be in compliance with the applicable rules. Applicants respectfully request the remarks presented in the amendment on December 18, 2003 to be fully considered. For the Examiners convenience, those remarks are presented herein below.

I. Introduction

Claims 1-15 are pending in the above application.

Claims 1-4, 8 and 10-13 stand rejected under 35 U.S.C. § 102.

Claims 5-7, 9 and 14-15 are objected to for being dependent on a rejected base claim but containing allowable subject matter.

II. Amendments

Claims 1, 10 and 11 have been amended to more particularly point out that which Applicant regard as their invention therein. Particularly, claims 1 and 10 have been amended to recite that the inner shell is composed of a plurality of split shells joined together in a direction transverse to the penetration hole. Support for the amendment to claims 1 and 10 may be found at least in Figure 3 and at pages 9-13 of the specification. Claims 4 and 12 have been amended to correct grammatical errors. Claim 11 has been amended to conform to the amendment of claim 10.

Allowed claims 5-7, 9 and 14-15 have been rewritten in independent form to include all of the limitations of their respective base claims.

No new matter has been added by the above amendments.

III. Prior Art Rejections

Claims 1-4, 8 and 10-13 stand rejected under 35 U.S.C. §102(b) as being anticipated by JP Pub. 2000-095532 (hereafter "the '532 reference").

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, Akzo N.V. v. U.S. Int'l Trade Commission, 808 F.2d 1471 (Fed. Cir. 1986); Connell v. Sears, Roebuck & Co., 220 USPQ 193, 198 (Fed. Cir. 1983).

The '532 reference does not disclose or suggest to use a mold comprising a shell having a penetration hole wherein the shell includes an outer shell and an inner shell disposed inside of the outer shell, the inner shell being composed of a plurality of split shells joined together in a direction transverse to the penetration hole, as recited by amended claims 1 and 10. The '532 reference discloses a mold 23 which holds a middle mold 24 having an upper mold 24a and a lower mold 24b. See, Fig. 5. Upper mold 24a and lower mold 24b join to form the middle mold 24 by joining in a direction along the length of the opening of mold 24. See, Figs. 2, 4 and 5. The '532 reference does not disclose a shell composed of a plurality of split shells by being joined together in a direction transverse to the penetration hole.

Accordingly, the '532 reference does not disclose or suggest each and every element of amended claims 1 and 10, and hence does not anticipate amended claim 1 or 10. As claims 2-4 and 8 depend on amended claim 1, and contain all of the limitations thereof, and claims 11-13

depend on amended claim 11, and contain all of the limitations thereof, the '532 reference also does not anticipate claims 2-4, 8 and 11-13.

IV. Conclusion

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
MCDERMOTT, WILL & EMERY



Lawrence T. Cullen
Registration No. 44,489

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 LTC:MWE
Date: January 13, 2004
Facsimile: (202) 756-8087
WDC99 865256-1.043890.0530



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 12/18/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Claim 14 is not the original claim, should be currently amended.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)